

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:12-cv-00331-MOC-DCK

TROPICAL NUT & FRUIT CO.,)	
)	
Plaintiff,)	
)	
Vs.)	ORDER, JUDGMENT and
)	PERMANENT INJUNCTION
)	
ANDALUCIA NUTS COMPANY,)	
)	
Defendant.)	

THIS MATTER is before the court on the joint Motion for Entry of Consent Judgment and Permanent Injunction. Having considered the joint motion and reviewed the pleadings, and finding that good cause has been shown for the proposed relief and that the parties have consented to such relief, the court enters the following Order, Judgment, and Permanent Injunction.

ORDER

IT IS, THEREFORE, ORDERED that the joint Motion for Entry of Consent Judgment and Permanent Injunction (#16) is **GRANTED**, and the following consented to Judgment and Permanent Injunction is entered:

JUDGMENT and PERMANENT INJUNCTION

1. Defendant and its officers, agents, representatives, employees, members, managers, and those persons acting in concert with or on behalf of Defendant, shall immediately and permanently refrain from using the following product names:

AH SOY

AWESOME ANTIOXIDANT

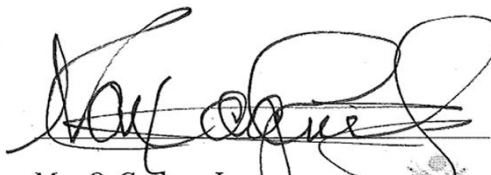
BALL PARK
BANANA SPLIT
BARTENDER'S BLEND
BERRY GOOD
BERRY-IFIC
BLUEBERRY THRILL
BUFFALO NUTS
CHECKMATE
CHRISTILLE BAY
CINNAMON SPLENDOR
DIET DELIGHT
FIBER FIRST
FIRECRACKER CORN NUGGET
FIRECRACKER HOT & SPICY
FIRECRACKER WASABI
FIVE STAR
FRENCH QUARTER
FRENCH QUARTER BLEND
FRUITBERRY BASKET
FRUITFUL BOUNTY
GRABEEZ
KONA COFFEE KRUNCH
MEXICALI FIRE

MY SALAD BAR
ORGANIC ACRES
ORIENTAL DELIGHT
PB&J
PEP IN YOUR STEP
PERFECTLY FIT
POPPIN' NUT CRUNCH
RISE 'N SHINE
SALTY DOG
SANTA'S SNACK
SIENNA CREAM CRUNCH
SOUTH OF THE BORDER
STUDENT FOOD
SUNBURST
SWEET CAROLINE
SWEET HEAT
SWEET TOOTH
TAHITIAN GOLD
THE BIG CHEESE
TRIPLE TREAT
WILD ABOUT WASABI
YOGURT AMBROSIA
YORK'S HARVEST

2. All parties shall be subject to the jurisdiction of this Court in connection with the enforcement of this Consent Judgment and Permanent Injunction.
3. This Consent Judgment and Permanent Injunction shall be binding upon the parties hereto and their successors and assigns, that the Court has jurisdiction to enter this Consent Judgment and Permanent Injunction. The parties acknowledge, and the Court finds, that this Consent Judgment and Permanent Injunction is intended to be the final order disposing of all issues in this matter, except as additional orders or rulings may be necessary to enforce this Consent Judgment and Permanent Injunction.
4. Any claims raised in this litigation are rendered moot, are hereby dismissed, and the Court considers this action concluded, and the Court will take no further action in this matter unless requested to do so by any party to enforce this Consent Judgment and Permanent Injunction.
5. The Court shall retain jurisdiction over this action for the purpose of enforcing the Consent Judgment and Permanent Injunction hereby entered.

The Clerk of Court is instructed to administratively close this action.

Signed: November 27, 2013



Max O. Cogburn Jr.
United States District Judge